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(Start Belt #19)

to state or federal deposit for namely the FBI files, now the, at the hearing we had, we had actually no opposition as such, but we had conditional opposition, most of those who appeared law enforcement officers said that they were for the idea of restricting the manner in which photographs or fingerprints were taken, and they were particularly in favor of restricting the sending of these fingerprints and photographs to the FBI or to those Federal Depositories, however, they felt that there had to be some means of identifying inhouse, inmate situations in city jails for arraignment and that sort of thing, and they had other miscellaneous objections as a result of which, those interested in this bill, those who appeared for the bill, got together and developed an amendment, this included county attorneys, police, every law enforcement offices that were interested and the bill then came out according to our original Judiciary Committee study of last summer, which dealt with it at 14 years of age, so the amendment says that the fingerprints of any child less than 14 years of age who has been taken into custody should not be taken unless the consent of any district, county, associate county or separate juvenile court judge has first been obtained. We then went to 14 years of age as the cut off day, thus leaving us those between 14 and 18 years of age and stating that the fingerprints of, and section 3 covered that, fingerprints of any child less than 18 years of age shall not be sent to a state of federal depository unless and then there are the provisions, unless the child has been convicted of a felony, the child has unlawfully terminated his commitment youth development center, such as Kearney or Geneva, or that sort of thing, or thirdly that the child is a run away and a fingerprint check is needed to return the child to his parents. Those would be the exception between 18 and 14, and then the section 2, says that if the judge permits the fingerprinting the fingerprints must be filed by the law enforcement officers in files kept separate from those of the age of majority. That makes a very simple bill controlling the fingerprinting and the photographing of those 14 and under and those between 14 and 18.

PRESIDENT: Any further discussion of the committee amendments?
Senator Stahmer.

SENATOR STAHMER: I like to know if Senator Luedtke would yield to a question?

PRESIDENT: Senator Luedtke would you yield?

SENATOR LUEDTKE: Yes.

SENATOR STAHMER: I am firmly in favor of your bill, I do notice one thing that there is no penalty provision in here, I wonder if we should not make it a misdemeanor if someone does this because I'm not all that certain that someone will not go ahead and do this.

SENATOR LUEDTKE: Well I think that this is true, we could put it, someone asked this question at the hearing and it was determined that it would be better to, since we are dealing with law enforcement officers, we felt that we could deal with that if there was abuse to that nature, of that nature, we'd be here every year and we could put a more serious penalty then maybe we would now put in, in other words now we put in a nominal penalty and probably they would do it by the time you filed the charge against them, they'd, take, they, -

PRESIDENT: Senator Stahmer.